

Wisconsin State Law
WI Stat. Ann.

Chapter 66. General Municipality Law

66.092. Local regulation of firearms.

(1) In this section:

(a) "**Firearms**" has the meaning given in s.167.31(1)(c).

(b) "**Political subdivision**" means a city, village, town, or county.

(c) "**Sport shooting range**" means an area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.

(2) Except as provided in subs.(3) and (4), no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute. * * * *

(4)(a) Nothing in this section prohibits a political subdivision from continuing to enforce an ordinance or resolution that is in effect on November 18, 1995, and that regulates the sale, purchase, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, if the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute. Nothing in this section prohibits a political subdivision from continuing to enforce until November 30, 1998, an ordinance or resolution that is in effect on November 18, 1995, and that requires a waiting period of not more than 7 days for the purchase of a handgun.

(b) If a political subdivision has in effect on November 17, 1995, an ordinance or resolution that regulates the sale, purchase, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, and the ordinance or resolution is not the same as or similar to a state statute, the ordinance or resolution is not the same as or similar to a state statute, the ordinance or resolution shall have no legal effect and the political subdivision may not enforce the ordinance or resolution on or after November 18, 1995.

Chapter 175. Miscellaneous Police Provisions

175.30. Purchase of firearms in contiguous states permitted. It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

175.35. Waiting period for purchase of handguns.

(1) In this section:

(ag) "**Criminal history record**" includes information reported to the depart-

ment under s.938.396(8) that indicates a person was adjudicated delinquent for an act that if committed by an adult in this state would be a felony.

(ar) "Firearms dealer" means any person engaged in the business of importing, manufacturing or dealing in firearms and having a license as an importer, manufacturer or dealer issued by the U.S. department of the treasury.

(at) "Firearms restriction record search" means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s.941.29. "Firearms restriction record search" includes criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s.51.20(13)(cv), a search to determine whether the person is subject to an injunction under s.813.12 or 813.122, or a tribal injunction, as defined in s.813.12(1)(e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s.941.29 and that has been filed with the circuit court under s.806.247(3), and a search to determine whether the person is prohibited from possessing a firearm under s.813.125(4m).

(b) * * * "handgun" means any weapon designed or redesigned, or made or re-made, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

(c) "Working day" means each day except Saturday, Sunday or a legal holiday under s. 895.20.

(2) When a firearms dealer sells a handgun, he or she may not transfer possession of that handgun to any other person until all of the following have occurred:

(a) The transferee has provided identification as required by rule under sub.(2g)(a).

(b) The transferee has completed the notification form described in sub.(2g)(b).

(c) The firearms dealer has conveyed the information from the completed notification form to the department of justice as required by rule under sub.(2g)(b) and requested a firearms restriction record search.

(d) Forty-eight hours, subject to extension under sub.(2g)(c)4. c., have elapsed from the time that the firearms dealer has received a confirmation number regarding the firearms restrictions record search under sub.(2g)(c) from the department of justice and the firearms dealer has not been notified that the transfer would be in violation of s. 941.29.

(2e) When a transferee completes the notification form described in sub.(2g)(b), the transferee shall provide truthful information.

(2f) When a firearms dealer requests that the department of justice provide a firearms restrictions record search under sub.(2g), he or she shall provide truthful information about his or her status as a firearms dealer and shall provide an accurate firearms dealer identification number obtained under sub.(2h). A person may request that the department provide a firearms restrictions record search under sub.(2g) only if he or she is a firearms dealer.

(2g)(a) The department of justice shall promulgate rules prescribing procedures for a transferee to provide and a firearms dealer to inspect identification containing a photograph of the transferee.

(b) The department of justice shall promulgate rules prescribing a notifica-

tion form for use under sub.(2) requiring the transferee to provide his or her name, date of birth, gender, race and social security number and other identification necessary to permit an accurate firearms restrictions record search under par.(c)3 and the required notification under par.(c)4. The department of justice shall make the forms available at locations throughout the state.

(c) The department of justice shall promulgate rules for firearms restrictions record searches regarding transferees under sub.(2), including procedures for all of the following:

1. A firearms dealer to convey the information from a completed notification form to the department using a toll-free telephone number provided by the department.

2. The department to provide the firearms dealer with a confirmation number confirming the receipt of the information under subd. 1.

3. The department to conduct the firearms restrictions record search regarding the transferee. The rules shall include, but not be limited to, a requirement that the department use the transaction management of enforcement system and the national crime information center system.

4. The department to notify the dealer, either during the initial telephone call or as soon thereafter as practicable, of the results of the firearms restrictions record search as follows:

a. If the search indicates that the transferee is prohibited from possessing a firearm under s.941.29, the department shall provide the firearms dealer with a unique nonapproval number. The department may not disclose to the firearms dealer the reason the transferee is prohibited from possessing a firearm under s.941.29.

b. If the search indicates that the transferee is not prohibited from possessing a firearm under s.941.29, the department shall provide the firearms dealer with a unique approval number.

c. If the search indicates a felony charge without a recorded disposition, the deadline under sub.(2)(d) is extended to the end of the 3rd complete working day commencing after the day on which the finding is made. The department shall notify the firearms dealer of the extension as soon as practicable. During the extended period, the department shall make every reasonable effort to determine the disposition of the charge and notify the firearms dealer of the results as soon as practicable.

(2h) Upon the request of any firearms dealer, the department of justice shall provide that firearms dealer with a unique firearms dealer identification number for use under this section.

(2i) The department shall charge a firearms dealer an \$8 fee for each firearms restriction record search that the firearms dealer request under sub.(2)(c). The firearms dealer may collect the fee from the transferee. The department may refuse to conduct firearms restriction record searches for any firearms dealer who fails to pay any fee under this subsection within 30 days after billing by the department.

(2j) A firearms dealer shall maintain the original record of all completed notification forms and a record of all confirmation numbers and corresponding approval or nonapproval numbers that he or she receives regarding firearms restriction record searches under sub.(2g). The firearms dealer shall mail the duplicate copy of each completed form to the department of justice.

(2k)(ag) In this subsection:

1. "Law enforcement agency of a physically adjacent state" has the meaning given in s.175.46(1)(b).

2. "Wisconsin law enforcement agency" means a governmental unit of one or more persons employed by this state or a political unit of one or more persons employed by this for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(ar) Except as provided in pars.(b) to (j) and as necessary to administer this section, the department of justice shall do all of the following:

1. Deny access to any record kept under this section.

2. Check each duplicate notification form received under sub.(2j) against the information recorded by the department regarding the corresponding request for a firearms restrictions record search under sub.(2g). If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed notification form indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the department shall destroy all records regarding the firearms restrictions record search within 30 days after receiving the duplicate form.

(b) Notwithstanding par.(ar), the department of justice may maintain all of the following:

1. Records necessary to comply with federal law.

2.a. Except as provided in subd. 2.b., a log of dates of request for firearms restrictions record searches under sub.(2g) together with confirmation numbers, unique approval and nonapproval numbers and firearms dealer identification number corresponding to those dates.

b. Within 3 years after the department issues a unique approval number, the department shall destroy all corresponding information contained in the log under subd. 2.a.

3. Records necessary to administer this section.

(c) Notwithstanding par.(ar), the department of justice shall provide access to any record under this section under all of the following circumstances:

1. The department of justice receives a record request that is submitted in writing by a Wisconsin law enforcement agency.

2. The request submitted under subd.1 appears on the Wisconsin law enforcement agency's letterhead and contains all of the following:

a. A statement that the Wisconsin law enforcement agency is conducting an investigation of a crime in which a handgun was used or was attempted to be used or was unlawfully possessed.

b. A statement by a division commander or higher authority within the Wisconsin law enforcement agency that he or she has a reasonable suspicion that the person who is the subject of the information request has obtained or is attempting to obtain a handgun.

c. The signature of a division commander or higher authority within the Wisconsin law enforcement agency.

d. Whenever a Wisconsin law enforcement agency makes a request for information under par.(c), the agency shall report the subject of the information request the fact that a request has been made and the name of the Wisconsin law enforcement agency that made the request. The agency shall make the report whenever the earliest of the following occurs:

1. The person who is subject of the information request under par.(c)2.b. is

no longer material to the investigation conducted under par.(c)2.a.

2. The Wisconsin law enforcement agency has completed its investigation under par.(c)2.a.

3. One year after the date that the Wisconsin law enforcement agency made the request under par.(c).

(e) A Wisconsin law enforcement agency may disclose information that is provided by the department of justice under par.(c) to another law enforcement agency. If there is a request for information from a requester other than a law enforcement agency, the Wisconsin law enforcement agency shall not disclose information to the requester that is provided by the department of justice under par.(c). If there is a request by a requester other than a law enforcement agency to copy or inspect any record of the Wisconsin law enforcement agency that contains that information, the agency, acting under s.19.36(6), shall delete any portion of the record that relates to that information before release.

(f) A Wisconsin law enforcement agency that is provided access to a record under par.(c) shall destroy all corresponding information contained in the record when the earliest of the following occurs:

1. The person who is the subject of the information request under par.(c)2.b. is no longer material to the investigation conducted under par.(c)2.a.

2. The Wisconsin law enforcement agency has completed its investigation under par.(c)2.a.

3. One year after the date the Wisconsin law enforcement agency made the request under par.(c).

(g) If a search is conducted under sub.(2g) indicates that the transferee is prohibited from possessing a firearm under s.941.29, the attorney general or his or her designee may disclose to a law enforcement agency that the transferee has attempted to obtain a handgun.

(h) If a search conducted under sub.(2g) indicates a felony charge without a recorded disposition and the attorney general or his or her designee has reasonable grounds to believe the transferee may pose a danger to himself, herself, or another, the attorney general or his or her designee may disclose to a law enforcement agency that the transferee has obtained or has attempted to obtain a handgun.

(i) The department of justice may not charge a fee for any services that the department provides under pars.(c) to (j).

(j) If a law enforcement agency of a physically adjacent state makes a request under par.(c), the department shall comply with the request under all of the following circumstances:

1. The law enforcement agency of the physically adjacent state agrees to comply with all the requirements under this subsection.

2. The physically adjacent state allows Wisconsin law enforcement agencies similar to greater access to similar information from that physically adjacent state.

(2L) The department of justice shall promulgate rules providing for the review of nonapprovals under sub.(2g)(c)4.a. Any person who is denied the right to purchase a handgun because the firearms dealer received a nonapproval number under sub.(2)(g)4.a. may request a firearms restrictions record search review under those rules. If the person disagrees with the results of that review, the person may file an appeal under rules promulgated by the department.

(2t) This section does not apply to any of the following:

(a) Transfers of any handgun classified as an antique by regulations of the U.S. department of the treasury.

(b) Transfers of any handgun between firearms dealers or between wholesalers and dealers.

(c) Transfers of any handgun to law enforcement or armed services agencies.

(3) Any persons who intentionally violates sub.(2),(2e),(2f) or (2j) shall be fined not less than \$500 nor more than * * * \$10,000 and may be imprisoned for not more than * * * 9 months * * *.

175.37. Warning whenever transferring a firearm.

(1) Upon the retail commercial sale or retail commercial transfer of any firearm, the seller or transferor shall provide to the buyer or transferee the following written warning in block letters not less than one-fourth inch in height: **"IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR EASY ACCESS OF A CHILD YOU MAY BE FINED OR IMPRISONED OR BOTH IF THE CHILD IMPROPERLY DISCHARGES, POSSESSES OR EXHIBITS THE FIREARM."**

(2) Any person who violates sub.(1) may be fined not more than \$500 or imprisoned for not more than 30 days or both.

Chapter 939. Crimes - General Provisions

939.22. Words and phrases defined. In chapters 939 to 948, and 951, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction or the word or phrase is defined in s.948.01 for the purposes of ch.948: * * * *

(10) **"Dangerous weapon"** means any firearm, whether loaded or unloaded * * *; any device designed as a weapon and capable of producing death or great bodily harm * * *; any electric weapon, as defined in s. 941.295(4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

Chapter 941. Crimes Against Public Health and Safety

941.25. Manufacturer to register machineguns. Every manufacturer shall keep a register of all machineguns manufactured or handled by him or her. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machinegun, the name, address, and occupation of the person to whom the machinegun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machinegun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his or her entire stock of machineguns, parts, and supplies therefor, and shall produce the register required under this section for inspection. Whoever violates any provision of this section is subject to a Class B forfeiture.

941.26. Machineguns and other weapons; use in certain cases; penalty.

(1)(a) No person may sell, possess, use or transport any machinegun or other full automatic firearm.

(b) Except as provided in sub.(4), no person may sell, possess, use or trans-

port any tear gas bomb, hand grenade, projectile * * * or shell or any other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(1m) No person may take a firearm that is not designed to shoot more than one shot, without manual reloading, by a single function of the trigger and modify the firearm so that it does shoot more than one shot, without manual reloading, by a single function of the trigger.

(2)(a) Any person violating sub.(1)(a) is guilty of a Class E felony.

(b) Any person violating sub.(1m) is guilty of a Class C felony.

(c) Except as provided in par.(d), any person who violates sub.(1)(b) regarding the possession, noncommercial transportation or use of the bomb, grenade, projectile, shell or container under sub.(1)(b) is guilty of a Class A misdemeanor. * * * *

(3) This section does not apply to the sale, possession, modification, use or transportation of any weapons or containers under sub.(1) or (1m) to or by any armed forces or national guard personnel in the line of duty, any civil enforcement officer of the state or of any city or county. This section does not apply to the sale, possession, modification, use or transportation of weapons under sub.(1)(a) or (1m) to or by any person duly authorized by the chief of police of any city or the sheriff of any county. This section does not apply to the restoration of any weapon under sub.(1) or (1m) by a person having a license to collect firearms as curios or relics issued by the U.S. department of the treasury. The restriction on transportation contained in this section does not apply to common carriers. * * * *

941.27. Machineguns.

(1) In §§ 941.25 and 941.26, "machinegun" means any of the following:

(a) Any weapon that shoots, is designed to shoot or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

(b) The frame or receiver of any weapon described under par.(a) or any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a weapon described under par.(a).

(c) Any combination of parts from which a weapon described under par.(a) can be assembled if those parts are in the possession or under the control of a person.

(2) **Exceptions.** Sections 941.25 and 941.26 shall not prohibit or interfere with the manufacture for, and sale of, machineguns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machinegun for scientific purpose, or the possession of a machinegun not usable as a weapon and possessed as a curiosity, ornament or keepsake; or the possession of a machinegun other than one adapted to use pistol cartridges for a purpose manifestly not aggressive or offensive.

941.28. Possession of short-barreled shotgun or short-barreled rifle.

(1) In this section:

(a) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and

made or remade to use the energy of a propellant in a metallic cartridge to fire through a rifled barrel a single projectile for each pull of the trigger.

(b) "Short-barreled rifle" means a rifle having one or more barrels having a length of less than 16 inches measured from closed breech or bolt face to muzzle or a rifle having an overall length of less than 26 inches.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels having a length of less than 18 inches measured from closed breech or bolt face to muzzle or a shotgun having an overall length of less than 26 inches.

(d) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) No person may sell or offer to sell, transport, purchase, possess or go armed with a short-barreled shotgun or short-barreled rifle.

(3) Any person violating this section is guilty of a Class E felony.

(4) This section does not apply to the sale, purchase, possession, use or transportation of a short-barreled shotgun or short-barreled rifle to or by any armed forces or national guard personnel in line of duty, any peace officer of the United States or of any political subdivision of the United States or any person who has complied with the licensing and registration requirements under 26 U.S.C. 5801 to 5872. This section does not apply to the manufacture of short-barreled shotguns or short-barreled rifles for any person or group authorized to possess these weapons. The restriction on transportation contained in this section does not apply to common carriers. This section shall not apply to any firearm that may be lawfully possessed under federal law, or any firearm that could have been lawfully registered at the time of the enactment of the national firearms act of 1968.

(5) Any firearm seized under this section is * * * presumed to be contraband.

941.29. Possession of a firearm.

(1) A person is subject to the requirements and penalties of this section if he or she has been:

(a) Convicted of a felony in this state.

(b) Convicted of a crime elsewhere that would be a felony if committed in this state.

(bm) Adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony.

(c) Found not guilty of a felony in this state by reason of mental disease or defect.

(d) Found not guilty of or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental disease, defect or illness.

(e) Committed for treatment under s.51.20(13)(a) and ordered not to possess a firearm under s.51.20(13)(cv).

(f) Enjoined under an injunction issued under s.813.12 or s.813.122 or under a tribal injunction, as defined in s.813.12(1)(e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s.941.29

and that has been filed under s.806.247(3).

(g) Ordered not to possess a firearm under s.813.125(4m).

(2) Any person specified in sub.(1) is guilty of a Class E felony if he or she possess a firearm under any of the following circumstances:

(a) The person possesses a firearm subsequent to the conviction for the felony or other crime, as specified in sub.(1)(a) or (b).

(b) The person possesses a firearm subsequent to the adjudication, as specified in sub.(1)(bm).

(c) The person possesses a firearm subsequent to the finding of not guilty or not responsible by reason of insanity or mental disease, defect or illness as specified in sub.(1)(c) or (d).

(d) The person possesses a firearm while subject to the court order, as specified in sub.(1)(e) or (g).

(e) The person possesses a firearm while the injunction, as specified in sub.(1)(f), is in effect.

(2m) Whoever violates this section after being convicted under this section is guilty of a Class D felony.

(3) Any firearm involved in an offense under sub.(2) is subject to §. 968.20(3).

(4) A person is concerned with the commission of a crime, as specified in s. 939.05(2)(b), in violation of this section if he or she knowingly furnishes a person with a firearm in violation of sub.(2).

(5) This section does not apply to any person specified in sub.(1) who:

(a) Has received a pardon with respect to the crime or felony specified in sub.(1) and has been expressly authorized to possess a firearm under 18 U.S.C. App. 1203; or

(b) Has obtained relief from disabilities under 18 U.S.C. 925 (c).

(6) The prohibition against firearm possession under this section does not apply to any correctional officer employed before May 1, 1982, who is required to possess a firearm as a condition of employment. This exemption applies if the officer is eligible to possess a firearm under any federal law and applies while the officer is acting in an official capacity.

(7) This section does not apply to any person who has been found not guilty or not responsible by reason of insanity or mental disease, defect or illness if a court subsequently determines both of the following:

(a) The person is no longer insane or no longer has a mental disease, defect or illness.

(b) The person is not likely to act in a manner dangerous to public safety.

(8) This section does not apply to any person specified in sub.91)(bm) if a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. In any action or proceeding regarding this determination, the person has the burden of proving by a preponderance of the evidence that he or she is not likely to act in a manner dangerous to public safety.

(9) This section does not apply to a person specified in sub.(1)(e) if the prohibition under s.51.20(13)(cv)1. has been canceled under s.51.20(13)(cv)2. or (16)(gm).

(10) The prohibition against firearm possession under this section does not apply to a person specified in sub.(1)(f) if the person satisfies any of the following:

(a) The person is a peace officer and the person possesses a firearm while in

the line of duty or, if required to do so as a condition of employment, while off duty.

(b) The person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty.

941.298. Firearms silencers.

(1) In this section, "**firearm silencer**" means any device for silencing, muffling or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabrication such a device, and any part intended only for use in that assembly or fabrication.

(2) Whoever sells, delivers or possesses a firearm silencer is guilty of a Class E felony.

(3) Subsection (2) does not apply to sales or deliveries of firearm silencers to or possession of firearm silencers by any of the following:

(a) Any peace officer who is acting in compliance with the written policies of the officer's department or agency. This paragraph does not apply to any officer whose department or agency does not have such a policy.

(b) Any armed forces or national guard personnel, while in the line of duty.

(c) Any person who has complied with the licensing and registration requirements under 26 USC 5801 to 5872.

Chapter 943. Crimes Against Property

943.06 Molotov cocktails.

(1) As used in this section, "**fire bomb**" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb is guilty of a Class E felony.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by fire fighters or law enforcement officers.

Chapter 948. Crimes Against Children

948.60. Possession of a dangerous weapon by a person under 18.

(1) In this section, "**dangerous weapon**" means any firearm, loaded or unloaded; any electric weapon, as defined in s. 941.295(4); metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.

(2)(a) Any person under 18 years of age who possesses or goes armed with a dangerous weapon is guilty of a Class A misdemeanor.

(b) Except as provided in par.(c), any person who intentionally sells, loans or gives a dangerous weapon to a person under 18 years of age is guilty of a

Class E felony.

(c) Whoever violates par.(b) is guilty of a Class D felony if the person under 18 years of age under par.(b) discharges the firearm and the discharge causes death to himself, herself or another.

(d) A person under 17 years of age who has violated this subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under s.938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.938.183.

(3)(a) This section does not apply to a person under 18 years of age who possesses or is armed with a dangerous weapon when the dangerous weapon is being used in target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult. This section does not apply to an adult who transfers a dangerous weapon to a person under 18 years of age for use only in target practice under the adult's supervision or in a course of instruction in the traditional and proper use of the dangerous weapon under the adult's supervision.

(b) This section does not apply to a person under 18 years of age who is a member of the armed forces or national guard and who possesses or is armed with a dangerous weapon in the line of duty. This section does not apply to an adult who is a member of the armed forces or national guard and who transfers a dangerous weapon to a person under 18 years of age in the line of duty.

(c) This section does not apply to a person under 18 years of age who possesses or is armed with a firearm having a barrel 12 inches in length or longer and who is in compliance with ss. 29.226 and 29.227. This section does not apply to an adult who transfers a firearm having a barrel 12 inches in length or longer to a person under 18 years of age who is in compliance with ss. 29.226 and 29.227.

948.605. Gun-free school zones.

(1) **Definitions.** In this section:

(a) **"Encase"** has the meaning given in s.167.31(1)(b).

(ac) **"Firearm"** does not include any beebee or pellet-firing gun that expels a projectile through the force of air pressure or any starter pistol.

(am) **"Motor vehicle"** has the meaning given in s.340.01(35).

(b) **"School"** has the meaning given in s.948.61(1)(b).

(c) **"School zone"** means any of the following:

1. In or on the grounds of a school.
2. Withing 1,000 feet from the grounds of a school.

(2) **Possession of firearm in school zone.**

(a) Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone is guilty of a Class A misdemeanor.

(b) Paragraph (a) does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by a political subdivision of the state or bureau of alcohol, tobacco and firearms in which political subdivision the school zone is located, and the law of the political subdivision requires that, before an individual may obtain such a license, the law enforcement authorities of the political subdivision must

verify that the individual is qualified under law to receive the license;

3. That is not loaded and is:
 - a. Encased; or
 - b. In a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school grounds for the purpose of gaining access to public or private lands open to hunting, if the entry on school grounds is authorized by school authorities.

(4) Consecutive sentence. Notwithstanding s.973.15(2) to (4), if a court imposes a term of imprisonment under this section, the court shall impose the sentence consecutive to any other sentence.

Publisher's Notes:

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (*) next to a name indicates another listing]

Cudahy*
Manitowoc*
Milwaukee*
Wauwatosa*
Whitefish Bay*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Glendale*(a)
Kenosha*(a) sale/transfer
Madison*(f)=Handgun
Shorewood*(a)

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Milwaukee* (48 hrs.)

4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Milwaukee*
Shorewood*
Wauwatosa*

5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Appleton
Beloit
Cudahy*
Jamesville
Kenosha*
Madison*
Manitowoc*
Menomonee Falls
Middleton
Milwaukee*
Neenah
Oshkosh
Shorewood*
Stevens Point
Superior
Wauwatosa*
West Bend
Whitefish Bay*

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Cudahy*(b)
Glendale*(a)
Madison*(b)
Milwaukee*(a),(b)
Shorewood*(a)
Wauwatosa*(a)
Whitefish Bay*(a)